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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA, 3:98-cr-00108-HDM
9 3:17-cv-00200-HDM
10 Plaintiff,
11 v.
12 Defendant.
13 ORDER
14 MATEO HERNANDEZ-DELUNA,

15 On May 9, 2017, this court entered an order denying
16 Defendant's petition for relief under 28 U.S.C. § 2255. (ECF No.
17 28). On May 2, 2018, the Ninth Circuit Court of Appeals entered
18 an order vacating this court's order and remanded for this court
19 to allow Defendant an opportunity to present his position on the
20 timeliness of his motion. (ECF NO. 39). On June 29, 2018, the
21 court entered an order directing Defendant to file supplemental
22 pleadings on his position on the timelines of his 28 U.S.C. § 2255
23 motion within sixty (60) days. (ECF No. 41). On August 29, 2018,
24 Defendant submitted a letter to the court stating that he had not
25 received any communications from the court since the case was
26 remanded from the Ninth Circuit Court of Appeals. (ECF No. 44).
27 On September 4, 2018 the court entered another order directing the
28 Clerk of the Court to update the BOP Register Number for the

1 Defendant and send the Defendant a copy of the docket sheet. (ECF
2 No. 45). Additionally, the court gave Defendant an additional
3 sixty (60) days to file supplemental pleadings on his position on
4 the timeliness of his 28 U.S.C. § 2255 motion. (*Id.*) There is no
5 indication in the record that the Defendant did not receive this
6 court's order of September 4, 2018.

7 As of this date, the Defendant has not filed supplemental
8 pleadings as directed by the court. The court has provided
9 Defendant great leeway to respond to this court's order, and
10 Defendant has failed to do so. No facts have been presented to
11 this court related to the timeliness of Defendant's 28 U.S.C. §
12 2255, and no just cause exists to further extend the time to file
13 supplemental pleadings. Accordingly, Defendant's 28 U.S.C. § 2255
14 motion is denied. The Clerk of the Court shall enter judgment
15 accordingly.

16 **IT IS SO ORDERED.**

17 DATED: This 20th day of February, 2019.

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20 UNITED STATES DISTRICT JUDGE
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